

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

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**JOSHUA MELLO and RACHEL WARE,**

**Plaintiffs,**

**v.**

**C.A. No. 1:23-cv-00479 & 00480**

**EDWARD ARRUDA and JOHN ROCCHIO,**

**Defendants**

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**PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE**

NOW COME Plaintiffs, Joshua Mello and Rachel Ware, pursuant to Federal Rule of Evidence 201(b) and Local Rule 56, and hereby respectfully request that this Honorable Court take judicial notice of the following incontrovertible material:

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**1. Recordings Constituting the Best Evidence of the Incident**

Plaintiffs request that the Court take judicial notice that the following unaltered recordings accurately and objectively depict the events at issue in this civil action:

- **Western Hills Middle School Surveillance Video** in its totality, dated October 21, 2021, spanning 8:19:00 AM to 9:00:00 AM (Plaintiffs' Exhibit A);
- **Cranston PD excessive Force cell phone video** in its totality, dated October 21, 2021
- **Cranston School\_Cranston PD 10-21-21 cellphone video**, in its totality, dated October 21, 2021

These recordings were produced during discovery, authenticated by Defendants' own disclosures, and match time-coded OPS records and narrative reports.

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## 2. Grounds for Judicial Notice

Under Federal Rule of Evidence 201(b)(2), a fact may be judicially noticed if it “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” The raw, unedited videos are certified records maintained by the Cranston Public Schools and Cranston Police Department and were furnished by Defendants during discovery. They are therefore undisputed government records.

As in *Scott v. Harris*, 550 U.S. 372 (2007), when video evidence so clearly depicts the relevant conduct that “no reasonable jury could believe” a contradictory version, the Court should accept the events as shown on the video.

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## 3. Relevance

The requested judicial notice is narrowly limited to the authenticity and accuracy of the video footage as it depicts material facts relevant to this action. The combined surveillance and cell phone videos are particularly probative of the following:

- The takedown maneuver involving neck and upper body pressure by Defendant Arruda;
- The state of Plaintiff Mello’s physical compliance before, during, and after the application of force, including his handcuffed status and lack of resistance at critical moments;
- The excessive force used by Defendant Rocchio in slamming Plaintiff Mello—already restrained—face-first onto the police vehicle hood;
- The contemporaneous verbal exchange captured on the cell phone videos, wherein Defendant Arruda is heard saying, “We remember you now,” suggesting a retaliatory motive or prior familiarity that contextualizes the Defendants’ use of force;
- Plaintiff Mello’s repeated, calm requests for “six feet” of distance, underscoring his non-threatening demeanor and reinforcing the unreasonableness of the physical escalation.

These videos are not only the best evidence of the encounter, but they also rebut Defendants’ narrative that Plaintiff was combative or posed a threat. Under *Scott v. Harris*, 550 U.S. 372 (2007), the Court must credit the version of events depicted by unambiguous video evidence that contradicts a party’s description of events.

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#### 4. Relief Requested

WHEREFORE, Plaintiffs respectfully request that the Court take judicial notice that the referenced video constitute the controlling evidence for purposes of the pending Motion for Summary Judgment, and consider it as definitive under *Scott v. Harris*.

Respectfully submitted,

/s/ Joshua Mello  
/s/ Rachel Ware  
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Dated: June 26, 2025

#### CERTIFICATE OF SERVICE

I hereby certify that on the 26th of June 2025, a copy of the foregoing response was served via the e-filing system to:

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/s/ Joshua Mello  
/s/ Rachel Ware